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Counsel for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT**DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

Case Nos.:
 BK-S-06-10725-LBR
 BK-S-06-10726-LBR
 BK-S-06-10727-LBR
 BK-S-06-10728-LBR
 BK-S-06-10729-LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

JOINTLY ADMINISTERED
 Chapter 11 Cases

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

Debtor.

Judge Linda B. Riegle Presiding

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

NOTICE OF FILING PROOF OF SERVICE OF SUBPOENAS FOR RULE 2004 EXAMINATION

In re:
USA SECURITIES, LLC,

Debtor.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

NOTICE IS GIVEN that the USACM Liquidating Trust herewith files the:

**Proof of Service of Subpoena for Rule 2004 Examination
 on Daniel Hayes (Exhibit A Attached);**

1 **Proof of Service of Subpoena for Rule 2004 Examination**
2 **on Les Utley (Exhibit B Attached); and**

3 **Proof of Service of Subpoena for Rule 2004 Examination**
4 **on Michael Johnson (Exhibit C Attached).**

5 DATED: January 7, 2008

6 **DIAMOND MCCARTHY LLP**

7 **LEWIS AND ROCA LLP**

8 By: /s/ Eric D. Madden
9 Allan B. Diamond, TX 05801800 (pro hac vice)
10 Eric D. Madden, TX 24013079 (pro hac vice)
11 William T. Reid, IV, TX 00788817 (pro hac vice)
12 909 Fannin, Suite 1500
13 Houston, Texas 77010
14 (713) 333-5100 (telephone)
15 (713) 333-5199 (facsimile)

16 *Special Litigation Counsel for*
17 *USACM Liquidating Trust*

18 By: /s/ Rob Charles
19 Susan M. Freeman, AZ 4199 (pro hac vice)
20 Rob Charles, NV 6593
21 3993 Howard Hughes Parkway, Suite 600
22 Las Vegas, Nevada 89169-5996
23 (702) 949-8320 (telephone)
24 (702) 949-8321 (facsimile)

25 *Counsel for USACM Liquidating Trust*

United States Bankruptcy Court

SOUTHERN DISTRICT OF NEW YORK

IN RE

USA COMMERCIAL MORTGAGE COMPANY,
 USA CAPITAL REALTY ADVISORS, LLC,
 USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC,
 USA CAPITAL FIRST TRUST DEED FUND LLC,
 USA SECURITIES, LLC,

SUBPOENA FOR RULE 2004 EXAMINATION

CASE NOS. BK-S-06-10725 LBR
BK-S-06-10726 LBR
BK-S-06-10727 LBR
BK-S-06-10728 LBR
BK-S-06-10729 LBR

DEBTORS.**JOINTLY ADMINISTERED UNDER****CASE NO. BK-S-06-10725-LBR****IN THE DISTRICT OF NEVADA****AFFECTS: ALL DEBTORS**

TO: DANIEL HAYES
 86 Main Street, 2nd Floor
 Yonkers, New York 10701

X YOU ARE COMMANDED to produce a corporate representative for examination under Federal Rule of Bankruptcy Procedure 2004, regarding the following topics at the place, date and time specified below. The USACM Liquidating Trust reserves the right to videotape all examinations.

SEE ATTACHED EXHIBIT A FOR TOPICS OF EXAMINATION

PLACE OF TESTIMONY	DATE AND TIME
MERRILL LEGAL SOLUTIONS 25 W. 45 TH STREET, SUITE 900 NEW YORK, NEW YORK 10036	January 10, 2008 at 10:00 a.m.

SEE ATTACHED EXHIBIT B FOR DOCUMENTS REQUESTED

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

PLACE	DATE
MERRILL LEGAL SOLUTIONS 25 W. 45 TH STREET, SUITE 900 NEW YORK, NEW YORK 10036	December 21, 2007 (or such other mutually agreeable date and time)
ISSUING OFFICER SIGNATURE AND TITLE	DATE
 Special Litigation Counsel for the USACM Liquidating Trust	November 12, 2007
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	
J. MAXWELL BEATTY DIAMOND MCCARTHY, LLP 909 FANNIN, SUITE 1500 HOUSTON, TX 77010 (713) 333-5100	

PROOF OF SERVICE

DATE: November 14, 2007	PLACE: 86 Main Street, 2nd Floor Yonkers, NY 10701
SERVED: at 10:45am	
SERVED ON (PRINT NAME) Daniel Hayes	MANNER OF SERVICE Personal Service

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on November 15, 2007

Date

Signature of Server

John Axelrod

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order by the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel production. Such an order to compel production shall protect any persons who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance.
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or,

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

STATE OF NEW YORK

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT

DOCUMENTS SERVED WITH INDEX#: BK-S-06-10725-LB AND FILED ON

IN RE USA COMMERCIAL MORTGAGE COMPANY, ET AL

Vs.

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF: NEW YORK)

ss
)

COUNTY OF WESTCHESTER)

The undersigned deponent, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in the State of New York . On 11/14/2007 at 10:45AM, deponent did serve the within process as follows:

Process Served:

Party Served: SUBPOENA FOR RULE 2004 EXAMINATION

(herein called

recipient) DANIEL HAYES

therein named.

At Location: 86 MAIN STREET, 2ND FLOOR

YONKERS NY 10701

By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex M Color of Skin WH Color of Hair GRAYAge 45/50 Height 5'9" Weight 165Other Features GLASSES

Witness Fee: \$40.00 the authorizing traveling expenses and one day's witness fee was paid(tendered) to the recipient

Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or on active duty in the military service in the State of New York and was informed HE was not.

Sworn to before me on 11/15/2007Gail Williams


John Axelrod

Server's License#:

GAIL WILLIAMS
 Notary Public, State of New York
 No. 4685052
 Qualified in Westchester County
 Commission Expires September 30, 2010

United States Bankruptcy Court

DISTRICT OF NEVADA

IN RE

USA COMMERCIAL MORTGAGE COMPANY,
 USA CAPITAL REALTY ADVISORS, LLC,
 USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC,
 USA CAPITAL FIRST TRUST DEED FUND LLC,
 USA SECURITIES, LLC,

SUBPOENA FOR RULE 2004 EXAMINATION

CASE NOS. BK-S-06-10725 LBR
BK-S-06-10726 LBR
BK-S-06-10727 LBR
BK-S-06-10728 LBR
BK-S-06-10729 LBR

DEBTORS.**JOINTLY ADMINISTERED UNDER
CASE NO. BK-S-06-10725-LBR****AFFECTS: USA COMMERCIAL MORTGAGE CO.**

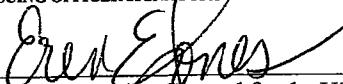
TO: LES UTLEY
 34843 RANCHO CALIFORNIA ROAD
 TEMECULA, CALIFORNIA 92591

X YOU ARE COMMANDED to appear and testify at an examination under Federal Rule of Bankruptcy Procedure 2004, at the place, date and time specified below. A copy of the court order authorizing the examination is attached. The USACM Liquidating Trust reserves the right to videotape the examination.

PLACE OF TESTIMONY	DATE AND TIME
MERRILL CORPORATION BRITISH PACIFIC CENTER 8899 UNIVERSITY CENTER LANE, SUITE 200 SAN DIEGO, CALIFORNIA 92122	December 27, 2007 at 10:00 a.m. (or such other mutually agreeable date and time)

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

SEE ATTACHED EXHIBIT "A" FOR DOCUMENTS REQUESTED

PLACE	DATE
MERRILL CORPORATION BRITISH PACIFIC CENTER 8899 UNIVERSITY CENTER LANE, SUITE 200 SAN DIEGO, CALIFORNIA 92122	December 27, 2007 at 10:00 a.m. (or such other mutually agreeable date and time)
ISSUING OFFICER SIGNATURE AND TITLE	DATE
 Special Litigation Counsel for the USACM Liquidating Trust	December 14, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

ERIN E. JONES, ESQ.
 DIAMOND MCCARTHY LLP
 909 FANNIN, SUITE 1500
 HOUSTON, TX 77010
 (713) 333-5100

PROOF OF SERVICE

DATE:	PLACE:
DECEMBER 17, 2007	34843 RANCHO CALIFORNIA RD.
SERVED:	TEMECULA, CA 92591
SERVED ON (PRINT NAME)	MANNER OF SERVICE
LES UTLEY	PERSONAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on DECEMBER 17, 2007

Date

Signature of Server ROY G. BLACK, RIVERSIDE #703
27315 JEFFERSON AVE., STE. J-37
TEMECULA, CA 92590

Address of Server (951) 676-1300

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order by the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any persons who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance.
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or,

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

83968.1

United States Bankruptcy Court
 DISTRICT OF NEW MEXICO

IN RE

USA COMMERCIAL MORTGAGE COMPANY,
 USA CAPITAL REALTY ADVISORS, LLC,
 USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC,
 USA CAPITAL FIRST TRUST DEED FUND LLC,
 USA SECURITIES, LLC,

SUBPOENA FOR RULE 2004 EXAMINATION

CASE NOS. BK-S-06-10725 LBR
BK-S-06-10726 LBR
BK-S-06-10727 LBR
BK-S-06-10728 LBR
BK-S-06-10729 LBR

DEBTORS.

JOINTLY ADMINISTERED UNDER
 CASE NO. BK-S-06-10725-LBR
 IN THE DISTRICT OF NEVADA

AFFECTS: ALL DEBTORS

TO: MICHAEL JOHNSON
 11 CONNIE LANE
 CLOVIS, NEW MEXICO 88101

X YOU ARE COMMANDED to appear for examination under Federal Rule of Bankruptcy Procedure 2004 at the place, date and time specified below. The USACM Liquidating Trust reserves the right to videotape all examinations.

PLACE OF TESTIMONY	DATE AND TIME
POOL LAW FIRM 400 PILE STREET, SUITE 100 CLOVIS, NEW MEXICO	February 7, 2008 at 10:00 a.m. (or such other mutually agreeable date and time)

— YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

PLACE	DATE
ISSUING OFFICER SIGNATURE AND TITLE  Special Litigation Counsel for the USACM Liquidating Trust	DATE December 20, 2007
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER MICHAEL YODER DIAMOND MCCARTHY, LLP 909 FANNIN, SUITE 1500 HOUSTON, TX 77010 (713) 333-5100	

PROOF OF SERVICE

DATE:

PLACE:

SERVED:SERVED ON (PRINT NAME)
MICHAEL JOHNSON

MANNER OF SERVICE

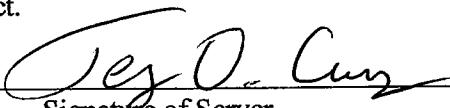
Hand / Hand

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 12-22-07

Date



Signature of Server

404 W. RANCHO LAKES DR. SUITE N.M.
88201

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:
 (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(i) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
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(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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